

Notice of Allowability

Application No.

09/900,016

Examiner

Kidest Bahta

Applicant(s)

YOSHIDA ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-18,42-45,47-57 and 59-64.
3. ☒ The drawings filed on 18 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/023,204.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. Claims 1-18 and 42-64 are allowed. The following is an examiner's statement of reasons for allowance:

With respect to independent claims 1, 12 and 15, the allowability of the claims resides, at least in part, in that the closest prior art of record Nishi (US patent 5,243,195) does not suggest or disclose either alone or combination, the claimed an arithmetic section for generating a group of a plurality of executable movement sequences out of a group of movement sequence candidates, each indicating a measurement order of the plurality of alignment marks, and selecting a movement operation between the plurality of alignment marks within the shortest time out of the group generated in combination with other elements and features of claimed invention.

With respect to independent claims 42, 49, 50-51, 55, 61-62 and 64, the allowability of the claims resides, at least in part, in that the closest prior art of record Dueck (US patent 5,200,677) does not suggest or disclose either alone or combination, the claimed a determining device which determines an order for positioning each of the areas to be detected into the predetermined detecting filed by using at least a nearest neighbor method, and Lin and Kernighan's approach, a K-OPT method, an evolutionary computation method and a combination thereof in combination with other elements and features of claimed invention.

With respect to independent claims 53 and 54, the allowability of the claims resides, at least in part, in that the closest prior art of record Nishi (US patent 5,243,195)

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does not suggest or disclose either alone or combination, the claimed a transferring step of controlling a relative position between each of the shot area on the substrate and the predetermined pattern, base on the detected results in the detection of alignment mark, and sequentially transferring the predetermined pattern onto the shot area in combination with other elements and features of claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (571) 272-3737. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (571) 272-3748. Additionally, the fax phone for Art Unit 2125 is (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta

October 15, 2004

